

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

WESLEY NOAH BANKS, A/K/A "WES"

CRIMINAL COMPLAINT

Case Number:

10-mj-230 SRN

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 29, 2010, in Ramsey County, in the State and District of Minnesota, defendant knowingly transferred and possessed a firearm, to-wit: a DPMS model A-15 machine gun, serial number F028611K

in violation of Title 18, United States Code, Sections 922(o) and 924(a)(2).

I further state that I am a(n) ATF Task Force Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

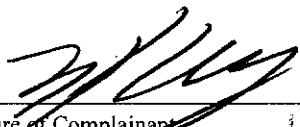
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

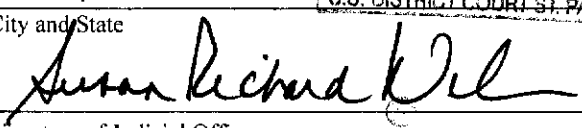
June 9, 201012:08pm at

The Honorable Susan Richard Nelson
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer


Signature of Complainant
Michael Conroy
ATF

Minneapolis, MN
City and State


Signature of Judicial Officer

SCANNED

JUN 10 2010

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

AFFIDAVIT OF MICHAEL CONROY

1. Your Affiant is Michael Conroy, a St. Paul Police Officer and is currently assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives as a sworn Task Force Officer. Within the scope of this assignment, I have am familiar with the federal laws regulating firearms and explosives and have conducted various investigations pertaining to violations of these laws. I have been a St. Paul Police Officer for over twelve years and have previously been assigned to the Gang & Gun Unit. Through this assignment, I have gathered gang intelligence on individual members, studied organizational trends, identified members of criminal organizations, and investigated firearm offenses. I have investigated, tracked and assisted in the prosecution of several gang members for violations including illegal narcotics trafficking, kidnapping, aggravated assaults, murder, weapons violations, and other crimes. I have prepared and executed several search warrants in connection with the aforementioned investigations.

2. This Affidavit is submitted in support of a criminal complaint charging Wesley Noah BANKS, 2-22-61, AKA "Wes", ("defendant") with violation of 18 U.S.C. 922(o) and 924(a)(2), which provide that it is unlawful for any person to transfer or possess a machinegun. Pursuant to 18 U.S.C. 921(a)(23) AND 26 U.S.C. 5845(b), the term "machinegun" means any weapon which

shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person. Here, there is probable cause to believe that BANKS knowingly and intentionally transferred a firearm and a part necessary to convert that firearm into a machinegun to another person, in violation of federal law.

3. Over the past several months, I have participated in a Narcotics/Firearms/Explosive Investigation with the St. Paul Police, ATF, DEA, and Ramsey County Sheriff's Office. The following information is based upon my own knowledge based upon my participation in this investigation, as well as information from reading the reports and having conversations with other officers:


4. On January 29, 2009, a Cooperating Defendant ("CD") working with federal and state law enforcement officials arranged to purchase a fully-automatic firearm from an individual herein identified as Co-Conspirator A. Co-Conspirator A told CD that he would meet with his source for the machinegun at his residence prior to the transaction.

Surveillance officers watched a vehicle driven by a person later identified as BANKS arrive at Co-Conspirator A's, St. Paul, Minnesota residence. BANKS and Co-Conspirator A subsequently went inside the vehicle, drove away and returned to the residence shortly thereafter. BANKS was observed to leave Co-Conspirator A's residence a short time later. The CD, acting at the direction and control of law enforcement, entered Co-Conspirator A's residence and purchased a fully-automatic rifle from Co-Conspirator A. This purchase was audio and videotaped. During this transaction, Co-Conspirator A manipulated the firearm and showed the CD how the firearm is capable of automatic fire. Co-Conspirator A stated that he obtained the machinegun from "Wes." The CD left the residence after the controlled purchase and met with officers. Officers recovered a DPMS AR-15, .223 caliber rifle from the CD which the CD stated he purchased from Co-Conspirator A. The serial number on this firearm was F028611K. Surveillance officers observed Co-Conspirator A meet with BANKS again at a nearby gas station after the controlled purchase.

5. The firearm was subsequently sent to the ATF Firearms Laboratory. An examination was conducted and confirmed that the firearm was capable of automatic fire.


6. On June 7, 2010, Co-Conspirator A was arrested pursuant to an active Federal arrest warrant. Co-Conspirator A was read a Miranda warning, after which he agreed to speak with investigators. Co-Conspirator A admitted selling the machinegun to CD and stated that it had been delivered to his St. Paul, Minnesota residence by an individual known to Co-Conspirator A as "Wes". Co-Conspirator A indicated that he has known "Wes" for several years and has had frequent contact with him over the past 6 months. Co-Conspirator A identified a photograph of Wesley Noah BANKS, 2-22-61 as "Wes." Co-Conspirator A said "Wes" showed him how the Machine gun was capable of automatic fire.

7. On June 9, 2010, BANKS was arrested and interviewed by law enforcement agents. After being issued a Miranda warning, BANKS admitted that he sold the firearm and a component necessary to make the firearm function as a fully automatic weapon to Co-Conspirator A.



MICHAEL CONROY, TFO
ATFE

Subscribed and sworn to before me
this 9th, day of June, 2010.



SUSAN RICHARD NELSON
U.S. Magistrate Judge